

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

ROBERT H. JACKSON,)	
)	
LIFE FIRST, Inc., an Illinois Corporation)	
)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 07 C 7216
)	
UNITED STATES OF AMERICA,)	
James Martin, Regional Commissioner,)	
Dennis Davis, Area Director)	
Vela Marshall, District Manager,)	
and other unknown employees of the Social)	
Security Administration)	
)	
Defendants.)	

PLAINTIFF'S MOTION FOR EXTENSION OF TIME PURSUANT TO FRCP 6
TO FILE RESPONSE TO DEFENDANT'S MOTION TO DISMISS

Now comes Robert H. Jackson, et al., as represented by counsel, and hereby files his Motion for an Extension of Time pursuant to FRCP 6 to file his response to defendant's Motion to Dismiss. In support of this application plaintiff asserts as follows to be true to the best of his knowledge, information and belief:

The Federal Rules of Civil Procedure in their pertinent parts as they appertain to this Motion provide at Rule 6. Computing and Extending Time; time for Motion Papers

...

(b) Extending Time.

(1) ***In General.*** When an act may or must be done within a specified time, the court may,
for good cause, extend the time:

(A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires; or

(B) on motion made after the time has expired if the party failed to act because of excusable neglect.

- 1 Attorney for the plaintiff has been ill, suffering from a continuing bronchial condition, limiting his ability to perform required services for the plaintiff;
- 2 That on or about March 19, 2008, the defendant's appeared on their Motion to Dismiss and the court entered a briefing schedule in this cause (Document 14);
- 3 Attorney for the plaintiff was not present in Court, and on oath asserts that he had not received Notice of the Motion and attachments filed via the electronic case filing system;
- 4 That Attorney for the plaintiff's subsequently received a copy of the minute Order entered by the Court, delineating the activities and actions taken on March 19, 2008;
- 5 That the Attorney for the plaintiff, on March 31, 2008, contacted the technical support for electronic case filing issues and confirmed that the internet service provider relied upon by the plaintiff's attorney occasionally treats mail from the government's server as spam, and this may have caused a delay in the timely delivery of the government's notice and motion in this cause;
- 6 Attorney for the plaintiff's was subsequently able to obtain, on March 31, 2008, via PACER, copies of documents 11, 12, & 13 filed by the government;
- 7 The briefing schedule set by the Court established April 9, 2008 as the filing due date for the plaintiff's response in this cause;
- 8 Plaintiff, for the foregoing reasons applies to this Court for an extension of time, to April 29, 2008 to file his response in this cause.
- 9 Plaintiff recommends that the briefing schedule be modified to allow him to file his response by April 29, 2008, reply by May 14, 2008, and status date of May 28, 2008 to stand.

WHEREFORE, for the foregoing reasons singularly and in the aggregate plaintiffs move this court enter an Order granting an extension of time, to April 29, 2008 to file their response, and plaintiff further requests the briefing schedule be modified to allow a reply to be filed by May 14, 2008, and this matter be set for status to May 28, 2008.

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